

# PUBLIC SUBMISSION

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**Docket:** NRC-2014-0080  
Low-Level Radioactive Waste Regulatory Program

**Comment On:** NRC-2014-0080-0002  
Low-Level Radioactive Waste Regulatory Program

**Document:** NRC-2014-0080-DRAFT-0021  
Comment on FR Doc # 2014-16049

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## Submitter Information

**Name:** Anonymous Anonymous

5/15/2014  
79FR 27772

## General Comment

See attached file(s)

6

## Attachments

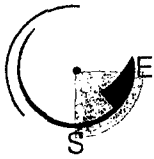
Comments of SE Compact Commission - Docket ID NRC-2014-0080

SUNSI Review Complete

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Add= *m. Wong (mew)*



**Southeast Compact Commission**  
*for Low-Level Radioactive Waste Management*

*States Working for Responsible Waste Management*

**Michael H. Mobley**  
Chairman

**Debra G. Shults**  
Vice-Chairman

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Secretary-Treasurer

**Ted Buckner**  
Executive Director

**September 15, 2014**

Attention: Ms. Cindy Bladey  
Office of Administration  
Mail Stop: 3WFN-06-44M  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Re: Docket ID NRC-2014-0080

Dear Ms. Bladey:

As the Chairman of the Southeast Interstate Low-Level Radioactive Waste Management Compact Commission (Southeast Compact Commission), I am submitting the following comments in response to the announcement published by the U.S. Nuclear Regulatory Commission (NRC) at *79 Federal Register 38,796* (July 9, 2014) seeking input and feedback on an update to the agency's 2007 Strategic Assessment of the Low-Level Radioactive Waste Program from stakeholders and other interested members of the public.

The Low-Level Radioactive Waste Policy Amendments Act of 1985 (the Act) gave the states responsibility for the disposal of their low-level radioactive waste. The Act encouraged the states to enter into compacts that would allow them to dispose of waste at a common regional disposal facility. The Southeast Interstate Low-Level Radioactive Waste Management Compact (the Compact) was enacted by its party states in 1983 and ratified by Congress in 1985 with passage of the Act. Party states currently include Alabama, Florida, Georgia, Mississippi, Tennessee, and Virginia.

The mission of the Southeast Compact Commission is to ensure that adequate, reliable, and appropriate services are available to manage low-level radioactive waste streams generated in the Southeast Compact Region and to promote and facilitate the maximum use of those services by low-level radioactive material licensees in the party states.

**Comments in Response to Specific NRC Questions**

The Southeast Compact Commission provides the following response to specific questions posed by NRC:

**Regarding the Current Low-Level Radioactive Waste Disposal Regulatory System**

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**4. Are there additional actions (regulatory and/or industry initiated) that can/should be taken regarding specific issues such as:**

**c. disposal options for low-activity waste/very low level waste;**

**AND**

**Interagency Communication and Cooperation**

**2. What specific actions can NRC take to improve coordination with other federal agencies so as to obtain a more consistent treatment of radioactive wastes that possess similar or equivalent levels of biological hazard?**

In November of 2003, the U.S. Environmental Protection Agency (EPA) published in the *Federal Register* (68 *Federal Register* 65,120) an Advanced Notice of Proposed Rulemaking (ANPR) that seeks comment on a wide variety of issues related to the disposal of waste containing low concentrations of radioactive material – a concept that the EPA defines as "low-activity" radioactive waste (LARW). The ANPR does not include proposed regulatory language or a specific regulatory approach, but rather seeks public input on scientific and policy issues to assist the agency in determining whether or not to go forward with the development of a regulation.

The EPA received comments from the public stakeholders and the public through March 2004, but suspended the evaluation of those comments in July 2004. Recently the EPA has resumed its review of comments and is moving forward with the ANPR.

In the ANPR, the EPA states that in general the agency "believe[s] that radioactive waste disposal could be improved by a consistent approach that is based on the risk to public health and the environment presented by the material in question, rather than its origin or statutory definition."

The EPA further stated that the agency "believe[s] that certain types of disposal facilities, particularly hazardous waste landfills permitted under Subtitle C of the Resource Conservation and Recovery Act (RCRA), may be able to offer appropriate protection for disposal of [LARW]." In fact they have demonstrated by modeling that most Class A wastes could be safely disposed in such landfills in the western U.S. as was presented at a Low-Level Radioactive Waste Forum, Inc. meeting in Santa Fe, New Mexico.

Further, given the recent interest by the public in the disposal of radioactive fracking waste, the Southeast Compact Commission supports the inclusion of all radioactive waste into these considerations. It could provide much needed perspective to the public in their considerations of these issues, i.e., it would increase their understanding that everything is radioactive; it is the degree of activity and the type of activity that is important to any consideration of the hazard presented. The method of production of the material has no bearing whatsoever on the risk of the material.

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The Southeast Compact Commission supports the EPA in its effort to develop an integrated framework for the management and disposal of LARW based on risk and the potential use of Subtitle C landfills for the disposal of LARW. The design and construction requirements for Subtitle C landfills should provide adequate protection of public health and the environment.

The development of a risk-based approach to the management and disposal of LARW and the potential use of Subtitle C landfills provide potential benefits by:

- Providing alternative disposal options that will protect occupational and public health and safety, as well as the environment;
- Increasing the number of disposal options available to generators, which will help make the cost of disposal more economical; and
- Facilitating the cleanup of appropriate sites and returning land and property to productive uses.


It is noted by the EPA that during the development of the ANPR, the agency consulted with the NRC, Agreement States, and the Department of Energy. Also, in a January 14, 2004 letter to Mike Leavitt, Administrator of the EPA, Chairman Diaz of the NRC recognized that the "ANPR marks the culmination of a fruitful collaboration between the [EPA] and staff of the [NRC]."

The Southeast Compact Commission encourages the NRC to continue to collaborate with the EPA as the EPA moves forward with the ANPR. To this end, it is recommended that the NRC should provide sufficient assets and support to ensure that NRC regulations are compatible with the development of a risk-based approach to the management and disposal of LARW and the potential use of Subtitle C landfills for the disposal of LARW.

Thank you for the opportunity to comment on the update to the Strategic assessment.

If you have any questions or need additional information, please feel free to contact me at 931-801-7540 or at [mmobley@aol.com](mailto:mmobley@aol.com) or contact Ted Buckner, Executive Director of the Southeast Compact Commission, at 919-380-7780 or [tedb@secompact.org](mailto:tedb@secompact.org).

Sincerely,



Michael Mobley  
Chairman  
Southeast Compact Commission

Enclosure

cc **Larry Camper, Division of Waste Management & Environmental Protection,  
Office of Federal & State Materials & Environmental Management Programs,  
U.S. Nuclear Regulatory Commission**

**Stephen Dembeck, Division of Waste Management & Environmental Protection,  
Office of Federal & State Materials & Environmental Management Programs,  
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